

The sole outstanding issue concerns the rejection of claims 1 and 4 under 35 U.S.C. § 102(b) as anticipated by Kay et al. (U.S. Pat. No. 4,542,191). In the Office Action, it was asserted that Kay teaches the treatment of rubber sap with formaldehyde and thus anticipates the invention of claims 1 and 4. Applicant respectfully traverses.

Claim 1 concerns a process for reducing the antigenicity of proteins in latex sap. The method includes contacting a sufficient amount of an aldehyde with an antigenic latex protein to react and cross-link the protein so as to significantly reduce the antigenicity of the protein. Kay fails to teach or fairly suggest each and every element of claim 1 and thus can not anticipate the claimed invention.

Kay is concerned with treating rubber to improve the tackifying and green strength properties of the rubber. Kay neither teaches nor fairly suggests reducing the antigenicity of proteins in latex. Thus, Kay neither teaches nor fairly suggests employing a sufficient amount of an aldehyde to reduce the antigenicity of the protein. The Office Action appears to assert that since Kay discloses a method in which latex is treated with an aldehyde, the method of Kay would inherently reduce antigenicity. However, there is nothing in the teachings of Kay which shows that Kay's method uses a sufficient amount of an aldehyde to significantly reduce the antigenicity of the latex proteins as described by the present specification. In other words, there is nothing in the specification of Kay which shows that the method described by Kay would necessarily substantially reduce the antigenicity of the latex. The M.P.E.P. teaches that to serve as an anticipation when the reference is silent about the asserted inherent characteristic, the reference must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. See M.P.E.P. § 2131.01. Applicant respectfully submits there is no evidence provided in Kay which would lead those of ordinary skill in the art to recognize the method of Kay would

necessarily substantially reduce the antigenicity of the latex proteins. Hence, Kay fails to anticipate the claimed invention.

The above remarks overcome this rejection. Hence, reconsideration and withdrawal of the rejection are respectfully requested.

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Applicant respectfully submits that this Request for Reconsideration and the above remarks obviate the outstanding rejection in this case, thereby placing the application in condition for immediate allowance. Allowance of this application is earnestly solicited.

If any fees under 37 CFR §§1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 02-4300; Order No. 033146.004.

If an extension of time under 37 CFR § 1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The extension fee should be charged to Deposit Account No. 02-4300; Order No. 033146.004.

Respectfully submitted,

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